

273.177 Corporate name. (Effective until January 1, 2011)

- (1) The corporate name shall include the word "corporation" or "incorporated" or the abbreviation "Inc." or the word "company" or the abbreviation "Co."; but if the word "company" or the abbreviation "Co." is used, it may not be immediately preceded by the word "and" or the abbreviation "&." The provisions of this subsection shall not affect the right of any corporation existing on June 13, 1968, to continue the use of its name.
- (2) Except as authorized by subsection (3) of this section, a corporate name shall be distinguishable from any name of record with the Secretary of State.
- (3) A corporation may apply to the Secretary of State for authorization to use a name that is not distinguishable from a name of record with the Secretary of State. The Secretary of State shall authorize use of the name applied for if:
 - (a) The other entity consents to the use in writing and submits an undertaking in form satisfactory to the Secretary of State to change its name to a name that is distinguishable upon the records of the Secretary of State from the name of the applying corporation; or
 - (b) The applicant delivers to the Secretary of State a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.
- (4) The corporate name shall not contain any word or phrase which indicates or implies that it is organized for any purpose not permitted under KRS 273.161 to 273.390.
- (5) This chapter shall not control the use of assumed names.
- (6) The filing of articles of incorporation under the particular corporate name shall not automatically prevent the use of that name or protect that name from use by other persons.
- (7) The assumption of a name in violation of this section shall not affect or vitiate the corporate existence; but the courts of this state having equity jurisdiction may, upon the application of the state or of any person interested or affected, enjoin such corporation from doing business under a name assumed in violation of this section, although a certificate of incorporation may have been issued.

Effective: July 15, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 51, sec. 80, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 137, sec. 80, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 149, sec. 228, effective July 12, 2006. -- Amended 1988 Ky. Acts ch. 23, sec. 196, effective January 1, 1989. -- Amended 1980 Ky. Acts ch. 294, sec. 5, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 27, sec. 2. -- Created 1968 Ky. Acts ch. 165, sec. 7.

Legislative Research Commission Note (7/15/2010). 2010 Ky. Acts ch. 51, sec. 183, provides, "The specific textual provisions of Sections 1 to 178 of this Act which reflect amendments made to those sections by 2007 Ky. Acts ch. 137 shall be deemed effective as of June 26, 2007, and those provisions are hereby made expressly retroactive to that date, with the remainder of the text of those sections being unaffected by the provisions of this section."

273.177 Corporate name. (Effective January 1, 2011)

The name of the corporation shall satisfy the requirements of KRS 14A.3-010.

Effective: January 1, 2011

History: Repealed and reenacted 2010 Ky. Acts ch. 51, sec. 80, effective July 15, 2010; and repealed, reenacted, and amended ch. 151, sec. 60, effective January 1, 2011. -- Amended 2007 Ky. Acts ch. 137, sec. 80, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 149, sec. 228, effective July 12, 2006. -- Amended 1988 Ky. Acts ch. 23, sec. 196, effective January 1, 1989. -- Amended 1980 Ky. Acts ch. 294, sec. 5, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 27, sec. 2. -- Created 1968 Ky. Acts ch. 165, sec. 7.

Legislative Research Commission Note (1/1/2011). This section was repealed, reenacted, and amended by 2010 Ky. Acts ch. 151, and repealed and reenacted by 2010 Ky. Acts ch. 51. Pursuant to Section 184 of Acts ch. 51, it was the intent of the General Assembly that the repeal and reenactment not serve to void the amendment, and these Acts do not appear to be in conflict, therefore, they have been codified together.

Legislative Research Commission Note (7/15/2010). 2010 Ky. Acts ch. 51, sec. 183, provides, "The specific textual provisions of Sections 1 to 178 of this Act which reflect amendments made to those sections by 2007 Ky. Acts ch. 137 shall be deemed effective as of June 26, 2007, and those provisions are hereby made expressly retroactive to that date, with the remainder of the text of those sections being unaffected by the provisions of this section."